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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,659	04/13/2000	Daniel I. Flitcroft	032668-004	7683

21839 7590 04/07/2005

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/548,659	Applicant(s) FLITCROFT ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Regarding the status of the claims in the instant application

In view of the Appeal Brief filed on 8/2/2004, PROSECUTION IS HEREBY REOPENED.

The Examiner has found new prior art. The Examiner is obliged to apply the newly found prior art. Thus, the finality of the prior Office action has been withdrawn and a new rejection follows. The Examiner regrets the delayed process of the application. Accordingly, claims 1-34 remain pending in the application.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin et al. (US Patent No. 6,012,048).

As per claims 1-3, 10, 11, 14, 16-18, 23-25 and 27-34, Gustin et al disclose a system and method for facilitating a financial transaction originating from a payer in a computer network comprising:

a data structure for access by a payer to initiate a financial transaction originating from the payer, said data structure including a personal payment number format (see the abstract) comprising:

routing information to direct financial transaction information to a particular institution among a plurality of institutions using the computer network (column 18, lines 62-66); and a unique identification of a payee associated with said particular institution (column 18, line 66 to column 19, line 3). The personal payment number indicates account into which funds can be transferred into. Gustin et al do not explicitly state the personal payment number identifying an account from which funds cannot be transferred. The Examiner asserts that such would have been obvious to one of ordinary skill in the art in order to prevent a payor from accessing a financial institution or a service provider's funds thereby providing a more secure system since the payee's account should be protected from the plurality of payers and prevent a reversal process. Thus providing an identifier identifying these personal payment number would have been obvious to one of ordinary skill in the art so as to differentiate the different types of entities/service providers or the status of the accounts of the different types of entities/service providers in the system so as to allow the automatic protection of a group of payees' accounts.

As per claim 4, Gustin et al teach the wherein said routing information includes a bank identification number (BIN). See column 18, lines 62-67.

As per claim 5, in the system of Gustin et al, the personal payment number is formatted in accordance with standard credit/debit card formats.

As per claims 6 and 7, the teachings of Gustin et al are discussed above. Gustin et al do not explicitly teach the personal payment number is formatted to be distinct from standard credit/debit card formats. It is well known in the art that payment formats involve many types of schemes such as the generation of an alpha/alphanumeric code which may include a transaction amount, payor or payee ID or account number, store number, transaction amount, etc. Formatting the personal payment of Gustin et al so as to be distinct from standard credit/debit card formats would have been obvious to one of ordinary skill in the art to do in order to mask the a party's credit information thereby ensuring the security and integrity of the financial transaction system.

As per claims 8 and 9, providing a verification code is not explicitly stated in Gustin et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to format a verification code selected from a group consisting of a checksum number and a CW2 in the system of Gustin et al in order to assure great security of the financial system of Gustin et al.

As per claim 12, the payees' account numbers are stored and are retrievable from memory. See column 19, lines 60-67. Queries about transactions would have allowed a payee to determine balances and status of payors.

As per claims 13 and 19, linked accounts are well known in the art. Providing linked accounts in the system of Gustin et al would have been obvious to one of ordinary skill in the art at the time of the invention was made as would have been desired by the payee.

As per claims 15, 20-22 and 26 see column 19 of Gustin et al.


Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP
April 3, 2005


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600


Frantzy Poinvil
Patent Examiner
Au 3628